REMARKS

In a final Office Action dated May 5, 2006 the Examiner rejects claims 27-47 (all pending claims). Applicants traverse the rejection. Claims 27-47 remain in the Application. In light of the following arguments, Applicants respectfully request that this Application be allowed.

In the Office Action, the Examiner rejects claim 27 under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent Number 5,996,077 issued to Williams (Williams) in view of U.S. Patent number 6,658,571 B1 issued to O'Brien et al (O'Brien) and U.S. Patent Number issued to Firth et al (Firth). In order to maintain a rejection, the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id. Applicants assert the Examiner has failed to provide evidence of a teaching of each and every claimed element or evidence of a proper motivation to combine the references. Specifically, the references cited do not teach the at least one inspection module and the new inspection module recited in the claims and the examiner has not provide evidence of a motivation combine the O'Brien and Firth references with Williams.

Claim 27 recites "at least one inspection module coupled for communication to said firewall core, each said at least one inspection module configured to provide protocol inspection of data packets to said firewall core, said firewall core configured to receive data packets from said plurality of communication interfaces and communicate said packets to said at least one inspection module for inspection, said at least one inspection module is further configured to be installed during the operation of the

firewall system;" and "a new inspection module inserted into an operating memory of said firewall core during operation of said firewall core wherein said new inspection module is software code configured to carry out an operation of providing protocol inspection for a new particular protocol to said firewall core wherein said new particular protocol is different from each said particular protocol provided by each said at least one inspection module." The Examiner has failed to provide a teaching of a module as recited in the claims.

Williams does not teach modules that provide inspection of packets formatted in different protocols. Instead, Williams teaches a method for upgrading firewalls by using a hierarchal arrangement of security devices. See Col. 5, lines 1-9. The William system is designed to use a next generation firewall that co-exists with a legacy firewall. See Col. 4, lines 18-24. Thus, the security devices work on different versions of the same protocol. These devices supplement the information of previous devices in the Hierarchy to allow a firewall to receive all versions of a protocol. Thus, Williams does not teach the inspection modules recited in claim 27.

O'Brien also does not teach at least one inspection module coupled for communication to said firewall core, each said at least one inspection module configured to provide protocol inspection of data packets to said firewall core, said firewall core configured to receive data packets from said plurality of communication interfaces and communicate said packets to said at least one inspection module for inspection, said at least one inspection module is further configured to be installed during the operation of the firewall system as recited in claim 27. Instead O'Brien teaches modules that grant or deny access of resources to software applications based upon the application requesting a resource or the resource being requested. See Col. 3, lines 41-43. The modules monitor system calls made by applications and permit access to resources based upon

system calls. See Col. 5, line 45-Col. 6, line 17. There is no mention anywhere in the O'Brien document of modules that monitor packets being sent between systems as in a firewall device. Thus, O'Brien does not teach the inspection module recited in claim 27.

Firth also does not teach a module for inspecting packets in a new module that is loaded into active memory.

Since neither Williams nor O'Brien teaches the inspection module recited in a claim 27. Applicants request that this rejection of claim 27 be removed and claim 27 be allowed.

Even if the combination of William and O'Brien teaches the inspection module claimed in claim 27, the Examiner has not provided evidence of a motivation to combine the references. As stated in the MPEP and case law, "The mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art suggests desirability of the combination." See In re Mill, 916 F2d 680 (Fed. Cir. 1990). See also MPEP §2143.01. In the Office Action, the Examiner merely asserts that one skilled in the art would use security modules to reduce damage caused by malicious software without additional software. First, there is no support for this statement in either reference. Second, both Williams and O'Brien standing alone solve the problems stated in the particular references. More particularly Williams solves the problem of providing for legacy systems as new versions of a protocol are introduced. See Col. 4, lines 18-28. O'Brien, on the other hand solves the problem of restricting access to software applications. See Abstract. Thus, Applicants request that the Examiner provide evidence showing this motivation.

Furthermore, case law and the MPEP require the proposed modification cannot render the prior art unsatisfactory for its intended purpose. See MPEP §2143.01. See also In re Gordon, 733 F2d 900 (Fed. Cir 1984). If the purposed modification were made

the firewall of William would include security modules that monitor systems calls to restrict access to resource by software as well as providing a hierarchy of security devices to provide for legacy systems in a firewall. This does not improve the unauthorized access to the system prevented by the firewall in William. Furthermore, there is no improvement of restricting access to resources by monitoring the packets received by the system in more than one version of a protocol. Williams and O'Brien are providing two different forms of security. Both systems are adequate for their intended purpose and combining the two would add a second function to each system. Thus, the combination is not permitted.

Claims 28-31 are dependent upon claim 27. Thus, claims 28-31 are allowable for at least the same reasons as claim 27. Therefore, Applicants respectfully request claims 28-31 be allowed.

Claim 32 recites a firewall core that executes inspection modules as recited in claim 27. Thus, claim 32 is allowable for the same reasons as claim 27. Therefore, Applicants respectfully request that claim 32 be allowed.

Claims 33-35 are dependent upon claim 32. Thus, claims 33-35 are allowable for at least the same reasons as claim 32. Therefore, Applicants respectfully request claims 33-35 be allowed.

Claim 36 recites an inspection module which is the same as the inspection module recited in claim 27. Thus, claim 36 is allowable for the same reasons as claim 27. Therefore, Applicants respectfully request that claim 36 be allowed.

Claims 37-38 are dependent upon claim 36. Thus, claims 37-38 are allowable for at least the same reasons as claim 36. Therefore, Applicants respectfully request claims 37-38 be allowed.

Claim 39 recites method for operating a system as recited in claim 27. Thus, claim 39 is allowable for the same reasons as claim 27. Therefore, Applicants respectfully request that claim 39 be allowed.

Claims 40-42 are dependent upon claim 39. Thus, claims 40-42 are allowable for at least the same reasons as claim 39. Therefore, Applicants respectfully request claims 40-42 be allowed.

Claim 43 recites a processing device that provides the method for providing the system recited in claim 27. Thus, claim 43 is allowable for the same reasons as claim 27. Therefore, Applicants respectfully request that claim 43 be allowed.

Claims 44-46 are dependent upon claim 43. Thus, claims 44-46 are allowable for at least the same reasons as claim 43. Therefore, Applicants respectfully request claims 44-46 be allowed

If the Examiner has any questions regarding this application or this response, the Examiner is invited to telephone the undersigned at the below number.

Respectfully submitted,
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Dated: August 15, 2006

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